

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, et al.,
Plaintiffs,
v.
FEDEX EXPRESS,
Defendant.

No. C 03-2659 SI

**ORDER GRANTING DEFENDANT'S
MOTION FOR CLARIFICATION OF
SCOPE OF CERTIFIED PROMOTION
CLAIMS**

Defendant has filed a motion for clarification of the scope of the certified promotion claims, which is currently scheduled for a hearing on November 17, 2006. Pursuant to Civil Local Rule 7-1(b), the Court determines the matter is appropriate for resolution without oral argument, and VACATES the hearing.

Defendant seeks clarification of the scope of the promotion claims certified in this case. Defendant asserts that neither the Court's class certification order nor Dr. Drogan's report provides FedEx's statistical expert with guidance regarding her development of data to rebut plaintiffs' promotion claims. Defendant states that the promotion requirements differ depending on the position sought, and that clarification is necessary in order to fairly prepare for trial. Plaintiffs oppose defendant's motion, contending that "all" promotion claims have been certified and that defendant is not prejudiced because it has access to all the relevant data and can perform whatever statistical analyses it wishes.

The Court concludes that defendant is entitled to clarification regarding which promotion claims plaintiffs intend to litigate at trial. This case involves complex and wide-ranging claims, and the Court finds it reasonable to require plaintiffs to define the specific promotion claims they intend to litigate at trial, as well as the sections of Dr. Drogan's report upon which they will rely to support those claims.

For the Northern District of California

/

1 Plaintiffs shall file such a statement no later than **November 28, 2006**. The parties are encouraged to
2 meet and confer regarding a stipulation to extend the expert discovery cut-off.

3

4 **CONCLUSION**

5 For the foregoing reasons and good cause shown, the Court hereby GRANTS defendants' motion
6 for clarification. (Docket No. 492).

7

IT IS SO ORDERED.

8
9 Dated: November 14, 2006

Susan Illston

10 SUSAN ILLSTON
11 United States District Judge